

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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WRITTEN OPINION
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
(PCT Rule 66.2)

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OCT 25 2000

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
LOS ANGELES, CA 90025

Date of Mailing
(day/month/year)

25 OCT 2000

Applicant's or agent's file reference

03801.P001PCT

REPLY DUE

within TWO months
from the above date of mailing

International application No.

PCT/US99/18510

International filing date (day/month/year)

12 AUGUST 1999

Priority date (day/month/year)

23 OCTOBER 1998

International Patent Classification (IPC) or both national classification; and IPC
IPC(7): G06F 1300, 17/30 and US Cl.: 705/27; 707/10; 709/219

Applicant

EBAY, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23 FEBRUARY 2001

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
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Authorized officer

VIET VU

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James R. Matthews

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-17, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the claims:
 pages 18-21, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the drawings:
 pages 1-12, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/figs NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-17</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive Step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-17</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-17</u> | YES |
| | Claims <u>NONE</u> | NO |

2. citations and explanations

1. Claims 1-17 lack an inventive step under PCT Article 33(3) as being obvious over Sheridan.

Sheridan discloses a method of distributing images over the Internet comprising:

- a) harvesting images of different formats from a plurality of sites based on user-supplied information (see col 4, lines 42-47, col 9, lines 54-57, col 11, lines 23-36),
- b) creating thumbnail images corresponding to the harvested images (see col 5, lines 35-41),
- c) combining thumbnail images onto a page for presentation at a remote site (see col 5, lines 19-35).

Sheridan does not teach compiling the thumbnail images onto a web page. The use of web pages for allowing access of information over the Internet is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to compiling and indexing one or more set of thumbnail images onto a web page for presentation at a remote site because it would have enabled a remote user to access the selected images using a conventional web browser.

----- NEW CITATIONS -----

US 5,760,917 A (SHERIDAN) 02 June 1998, see cols 1-10.

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WRITTEN OPINION

International application No.

PCT/US99/18510

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.